

**REMARKS**

Reconsideration of the above-identified application in view of the foregoing amendments and following remarks is respectfully requested.

A. Status of the Claims

Claims 1-28 are pending. Claims 13-28 are currently under examination. Claims 1-12 are withdrawn as being directed to non-elected subject matter. Claims 13, 15, 16, 18 and 21 are amended herein. No new matter is added by these amendments.

B. Claim Rejections – 35 U.S.C. § 112

Claim 21 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. Claim 21 has been amended to clarify the claimed subject matter of the invention. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. § 112.

C. Claim Rejections – 35 U.S.C. §§ 102 and 103

Claims 13-18, 21 and 23 were rejected under 35 U.S.C. § 102(b) as being anticipated by Addison et al. (Antiviral Research, 2000), and claim 20 was rejected under 35 U.S.C. § 103 as being obvious over Addison et. al. in view of Lynch et al. (USPN 5,962,244). Applicants respectfully disagree with the characterization of the claims and prior art in the stated rejections and respectfully traverse these rejections.

Independent claim 13 and dependent claims 15, 16, 18 and 21 are amended herein to more clearly recite the claimed subject matter.

Claim 13, as amended, is directed to a method for analyzing a probe carrier having a probe immobilized area in which a nucleic acid probe is immobilized, and a probe-free

phosphorus-containing area that contains phosphorus in a predetermined concentration on a carrier. Addison et al. does not teach or suggest at least the probe-free phosphorus containing area that contains phosphorus in a predetermined concentration on a carrier as recited in the amended claims.

Applicants respectfully submit that for claims to be anticipated by a reference in terms of 35 U.S.C. §102, every element of the claimed invention must be identically shown in a single reference and arranged as in the claims under review, either expressly or inherently described. Since every element of the claimed invention as amended is not identically shown and arranged as Addison et al., reconsideration and withdrawal of the rejection is respectfully requested.

Accordingly for at least the stated reasons, the independent claim, and the claims depending therefrom, are believed neither taught nor suggested, and therefore neither anticipated by nor rendered obvious in view of, the prior art, taken alone or in combination.

Applicants have not specifically addressed the rejections of the dependent claims. Applicants respectfully submit that the independent claims, from which they depend, are in condition for allowance as set forth above. Accordingly, the dependent claims also are in condition for allowance. Applicants, however, reserve the right to address such rejections of the dependent claims in the future as appropriate.

**CONCLUSION**

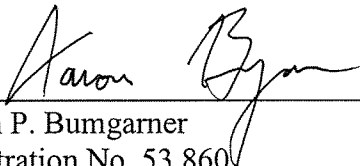
Based on the foregoing amendments and remarks, Applicants respectfully request reconsideration and withdrawal of the rejection of claims and allowance of this application. An early and favorable examination on the merits is requested. In the event that a telephone conference would facilitate the examination of this application in any way, the Examiner is invited to contact the undersigned at the number provided.

THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY ADDITIONAL FEES WHICH MAY BE REQUIRED FOR THE TIMELY CONSIDERATION OF THIS AMENDMENT UNDER 37 C.F.R. §§ 1.16 AND 1.17, OR CREDIT ANY OVERPAYMENT TO DEPOSIT ACCOUNT NO. 13-4500, ORDER NO. 1232-5220.

Respectfully submitted,  
MORGAN & FINNEGAN, L.L.P.

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By:

  
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